

ARKANSAS SUPREME COURT

No. 06-328

NOT DESIGNATED FOR PUBLICATION

JAMES C. POE and STATE OF MICHIGAN
Petitioners

v.

JEFFERY MARX ROSENZWEIG,
JANA K. HARRIS, EDWARD WALKER, SUSAN
WEBER WRIGHT
Respondents

Opinion Delivered April 27, 2006

PRO SE MOTION FOR RULE ON CLERK
[CIRCUIT COURT UNKNOWN; DOCKET
NUMBER UNKNOWN]

MOTION DISMISSED

PER CURIAM

On February 21, 2006, James C. Poe tendered to this court a *pro se* pleading captioned, “On Petition for Writ of *Certiorari* to the Supreme Court of the United States for an Act of Congress.” Petitioner Poe named himself and the State of Michigan as petitioners and several Arkansas attorneys and a federal judge as respondents. In the body of the petition, petitioner also named an Arkansas circuit judge, a prosecuting attorney and a deputy prosecuting attorney, a circuit clerk, and a grand jury foreman as respondents. He stated in the petition that he was convicted of a crime in a federal court proceeding and also that there was a proceeding in the Circuit Court of Conway County, but it could not be determined from the face of the petition how the two proceedings figured in the petition for writ of *certiorari* tendered to this court. In the prayer for relief in the petition, petitioner asked this court to review a judgment entered in the City of Morrilton, which was “given to the United States District Court...and appealed to the Eighth Circuit Court of Appeals....”

Our clerk, through a staff attorney, advised petitioner that the petition for writ of *certiorari* would be filed as an original action upon receipt of the requisite filing fee and a Certificate of Service indicating that the parties had been served with the petition. On March 8, 2006, petitioner tendered a motion to proceed *in forma pauperis*. Petitioner was duly informed of the need to submit

a Certificate of Service reflecting service of the motion on the parties and a certified record of the proceedings from whatever lower court the matter had arisen.

On March 28, 2006, petitioner filed the instant motion for rule on clerk seeking to file the motion to proceed *in forma pauperis* without a Certificate of Service and seeking to have our clerk take responsibility for serving the parties.¹ No record was received with the motion for rule on clerk.

Without a record, this court cannot assume jurisdiction in this matter. Without a record, we are left to rely on petitioner's largely incomprehensible statements as a foundation for assuming jurisdiction. Our Rule 6-1(a) provides that in cases in which the jurisdiction of this court is in fact appellate, although in form original, such as petitions for writs of prohibition, *certiorari*, or mandamus, the pleadings with certified exhibits from the trial court are treated as the record. *Jackson v. Tucker*, 325 Ark. 318, 927 S.W.2d 336 (1996). Here, it cannot be determined with certainty what trial court was involved in the matter or whether the matter indeed pertains to a state or federal proceeding. As a certified record is necessary to proceed, there is no basis on which this court has authority to act. Accordingly, the motion for rule on clerk is dismissed.

Motion for rule on clerk dismissed.

¹While petitioner made references in the petition for writ of *certiorari* to criminal proceedings, other aspects of the petition suggested that it was intended as a civil action against the respondents. As it was not clear whether the tendered petition for writ of *certiorari* was intended as a civil or criminal matter, the motion for rule on clerk was assigned to our civil docket.